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Chairman: Mr. VAN DER HEIJDEN (Netherlands)
(Vice-Chairman)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 110: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/48/332 and A/48/359)

1. Mr. SOTIROV (Bulgaria) said that, in spite of the improved political climate that had resulted from the fall of totalitarian regimes, many parts of the globe were racked by violence, uncertainty and human suffering. Lawlessness and a rising crime rate hindered progress towards democracy and impaired the general well-being of societies. While increased contacts among countries, the development of technologies and communications and the relaxation of border controls had positive aspects, they also fostered transnational crime.

2. The General Assembly had recognized the need for new responses to that challenge by adopting, in 1991, the Statement of principles and programme of action of the United Nations on crime prevention and criminal justice programme and establishing the Commission on Crime Prevention and Criminal Justice as a functional commission of the Economic and Social Council. In the two years since its establishment, the Commission had played a useful role in the field of cooperation and, in addition to the exchange of experience and information, had contributed to policy guidance and priority-setting in the field of crime prevention and criminal justice. The Commission could make a more valuable contribution if, in addition to working with experts, it cooperated with all those who were directly involved in crime prevention and detection (police, investigators, prosecutor's office); it should also make better use of the expertise in related fields, such as computer technology, medicine, psychology and sociology.

3. The high-level plenary meetings of the General Assembly had demonstrated the urgency of adopting practical measures against the illicit production, sale, demand, trafficking and distribution of narcotics and psychotropic substances. The need for enhanced international cooperation was particularly evident in the light of the increased crime rate in the countries of Central and Eastern Europe, which endangered both individual States and the international community as a whole. The extent of drug-trafficking, organized crime, rackets and money laundering in those countries was unprecedented.

4. Bulgaria, which was situated at the crossroads of Europe and the Middle East, was particularly affected by those phenomena. According to available United Nations data, approximately 70 per cent of all heroin-trafficking passed through the Balkans. Bulgaria therefore attached great importance to international cooperation in the fight against organized crime, in particular technical and expert assistance, exchange of information and close partnership between the relevant institutions of interested countries. Bulgaria had recently acceded to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Moreover, the Bulgarian Government was taking measures to strengthen its means of combating crime-related problems. In 1991, a special police service branch had been established at the Ministry of the Interior to fight organized crime. A strategy and a master plan, coordinated by an inter-ministerial committee, had been adopted in July 1993 and were currently being implemented. In the framework of the current reforms in the field of criminal justice, the Bulgarian

(Mr. Sotirov, Bulgaria)

Government had just submitted to the National Assembly a new draft penal act that provided for protection of all types of property and defined a variety of relatively new forms of offences, such as extortion, money laundering, vandalism, fraudulent bankruptcy, theft of nuclear products and computer crimes. The act also abolished the death penalty.

5. His delegation was confident that active cooperation and information exchange among Member States would make it possible to prevent certain crimes by eliminating the conditions that provoked or facilitated them. In that respect, the role of education and public information was essential, particularly in the prevention of juvenile delinquency. That type of criminality had increased considerably in Bulgaria during the past couple of years, and a draft act on that issue was currently being discussed and prepared. His delegation emphasized the need for close cooperation between the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, since the issue of criminality was primarily an economic and social problem. Moreover, the balance between crime-prevention efforts and respect for the human rights of offenders should be preserved.

6. Mr. ANDRIYAKA (Ukraine) said that his delegation shared the concerns expressed by the Director-General of the United Nations Office at Vienna in his introductory statement on the escalation of violence and the expansion of organized crime, and stressed the need for joint efforts against terrorism, drug trafficking, corruption and economic and ecological crimes. In that regard, his delegation appreciated the conclusions and recommendation adopted at the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris in 1991, as well as General Assembly resolution 46/152, in which the General Assembly had established the Commission on Crime Prevention and Criminal Justice. The decision to transfer the discussion on crime-related issues to the intergovernmental level was a very important and timely step. His delegation supported the priority themes chosen by the Commission and formulated Economic and Social Council resolution 1992/22, namely: national and transnational crime, in particular money laundering and the role of criminal law in the protection of the environment; crime prevention in urban areas, juvenile and violent criminality; and improvement in the management and administration of criminal justice and related systems. His delegation was satisfied with the Commission's adoption at its second session of a number of important draft resolutions in the field of crime prevention and criminal justice (resolutions 1993/27 to 1993/34).

7. In accordance with the recommendations of the Paris Ministerial Meeting and Economic and Social Council resolution 1992/22, which recommended that priority attention should be paid to operational activities in the field of crime prevention and criminal justice, Ukraine was taking an active part in elaborating the draft international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel, which was currently under consideration in the Sixth Committee, and hoped that there would be closer cooperation between the United Nations Crime Prevention and Criminal Justice Programme and the Department of Peace-keeping Operations. His delegation attached paramount importance to the question of technical cooperation. Ukraine, as well as other countries, deserved the solidarity and

(Mr. Andriyaka, Ukraine)

assistance of the international community. His delegation supported the establishment of a new subprogramme on operational activities, and was convinced that the elaboration, implementation and evaluation of technical cooperation projects would strengthen the capacity of third world countries and countries in transition to combat crime.

8. In the light of the limited financial resources allocated to the implementation of the United Nations Programme, the creation of mechanisms, including a fund for mobilizing human, financial and other resources for facilitating technical cooperation, would be very opportune. While his delegation approved the efforts to develop cooperation and coordinate the activities of United Nations bodies in the field of crime prevention and criminal justice, it considered that, in that field, considerable resources remained unused. In that regard, his delegation welcomed the efforts of the Crime Prevention and Criminal Justice Branch to coordinate the relevant programmes and was confident that the next United Nations Congress on the Prevention of Crime and the Treatment of Offenders would play an important role in that area. The success of the Congress depended in large part on the preparatory arrangements undertaken by States at the national, regional and international levels; those activities included a meeting on money laundering to be held in Italy in 1994 under United Nations auspices and a meeting of experts on other aspects of transnational crime, in particular ecological crime, which would be held later in the year in Vienna.

9. In a period marked by a decline in production, disruption of economic links and inadequate legislation, corruption and money laundering affected all sectors of the economy. Faced with the problems of currency counterfeiting, illicit drug-trafficking and trade in arms, the Ukrainian authorities had been forced to take concrete steps to combat crime and strengthen law-enforcement bodies. A number of new laws, including laws on the security service, militia, the public prosecutor's office and operative search activities, had been enacted. The reform of the judicial system and the courts was continuing and new criminal legislation was being developed. In June 1993, the Ukrainian Parliament had adopted the government programme to combat crime; one of the priorities of that programme was to expand international cooperation in that field. Ukrainian law-enforcement bodies had signed more than 20 bilateral agreements in the field of combating crime with their counterparts in other countries, in particular neighbouring countries; basic bilateral agreements concluded by Ukraine with other States also contained provisions dealing with cooperation in that field. Ukraine was paying greater attention to such cooperation and was ready to strengthen it at all levels.

10. Mr. SCHATZER (Director, External Relations, International Organization for Migration (IOM)) drew the Committee's attention to trafficking in migrant workers. The phenomenon, while not new, gave increasing cause for concern and necessitated concerted action in view of the growing number of people who sought to emigrate and the increasing involvement of international criminal networks. The latter treated human beings as just another piece of merchandise, without regard to human dignity and safety.

11. Moreover, when national authorities apprehended migrants who were the victims of such trafficking, they faced a complex and costly problem. Return

was often the only solution. In recent months IOM had been called upon to help to repatriate several hundred such people in that situation.

12. It was the human dimension of such trafficking that required attention. Would-be migrants were the victims of the crime or felony in which they took part. The attraction of the target country, on which they had only limited and distorted information, and uncertainty about their future in societies characterized by social and economic change, provided their motivation.

13. In response to that situation, countries of origin, transit and destination must coordinate and improve their cooperation in the collection and dissemination of information as well as with regard to repatriation procedures. Potential victims of trafficking needed credible and reliable information on the risks involved.

14. National legislation providing for sanctions against employers of illegal immigrants and for severe punishment for traffickers must be adopted and enforced. Abuse of the asylum system, designed to protect refugees, must also be avoided. In certain cases a change in procedures to deal with unjustified requests for asylum appeared necessary.

15. Mechanisms to ensure the swift return of apprehended victims, while safeguarding their human dignity, must be further developed, and measures must be adopted to deal with migrants without proper documents. Humane, rather than criminal, treatment of women migrants who were sold or tricked into prostitution was also essential.

16. The International Organization for Migration, which had studied the question of trafficking in migrant workers for some time, had carried out, in addition to assisted return, the following measures: dissemination of information in certain countries of origin, in close cooperation with UNHCR; data collection in order to better define the dimensions and dynamics of the problem; the provision of technical cooperation to Governments confronting the problem; and the convening of forums for interested Governments and organizations on specific aspects of the question, such as repatriation, specific regional aspects and law enforcement. IOM was also initiating a periodic newsletter on the subject.

17. In view of the illegal nature of trafficking it was next to impossible to obtain reliable data on the magnitude of the problem. A more systematic approach was thus necessary. IOM stood ready to help the United Nations and its Member States to find specific responses to the problem.

18. Mr. SISWOYO (Indonesia) said that international organized criminal activity had reached alarming proportions, to the extent where it threatened the peace and stability of all countries, particularly developing countries. Increasingly sophisticated methods were used, rendering criminal activities particularly ominous and obliging law enforcement agencies to modernize their methods.

19. For the developing countries the situation had become all the more precarious in that their social development had been stymied by structural adjustment policies and rising population growth. Disillusionment among the

(Mr. Siswoyo, Indonesia)

young, in particular, as a result of unemployment, explained the increase in juvenile crime. In general terms crime prevention policies must be coupled with improvements in the socio-economic environment, which required the cooperation of developed and developing countries alike and the revitalization of the dialogue between them.

20. The question of crime prevention and criminal justice was best addressed within the framework of the United Nations system, where advantage could be taken of inputs and experience from every country. The Commission on Crime Prevention and Criminal Justice, the principal policy-making body of the United Nations in that field, must be responsive to the pressing problems of developing countries and ensure the provision of technical assistance to enable them to adopt appropriate legislation so as to enhance their capacity to combat crime. Further, the Commission should strengthen regional and international cooperation in the prevention of crime by utilizing the knowledge and experience of the developing countries in that area in formulating activities in various regions.

21. Indonesia looked forward to the World Ministerial Conference on Organized Transnational Crime, to be held in 1994 under United Nations auspices. The Conference, which would provide an occasion to focus on aspects of legislation and their adequacy in dealing with various forms of transnational crime, as well as to identify appropriate guidelines for Governments, should also provide an opportunity to strengthen international cooperation in crime prevention and propose a more integrated approach. The holding of workshops on such topics as extradition and international cooperation, the mass media and crime prevention, and urban policy and crime prevention, should facilitate an exchange of information and experiences. His delegation looked forward to the preparations for those workshops as well as to the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

22. As to the operational activities of the crime prevention and criminal justice programme, the focus should be placed on improving channels of communication with Governments so as to facilitate input by developing countries and strengthen the global crime and criminal justice information network. Likewise, there remained a need for advisory services for Member States and an evaluation of their needs and capacities. It was his delegation's understanding that such an initiative would be undertaken and that projects would be formulated on the requisite infrastructure for the building of criminal justice systems.

23. Regarding crime prevention, Indonesia's policy, in accordance with its 1988 State policy guidelines, was directed towards enhancing knowledge of the law so that all Indonesian citizens would be aware of their rights and duties. Information meetings had been held in the 27 provinces of the country and guidance on legal procedures had been given in 1,290 villages during the year 1991-1992. In addition, in order to ensure observance of the rights of all, including the poor, legal aid services had been established and access to such services simplified. Regarding the treatment of offenders placed on probation, mention should be made of the implementation of vocational training carried out in cooperation with the Department of Manpower, the Department of Industry and the Department of Education and Culture, as well as the private sector.

(Mr. Siswoyo, Indonesia)

Particular attention had been paid by the Indonesian Government to offenders between the ages of 18 and 23.

24. Lastly, his delegation reaffirmed its support for the activities undertaken by the Commission on Crime Prevention and Criminal Justice and for the various crime control initiatives to be taken under United Nations auspices. He stressed the need for the coordination of those activities. His delegation also stressed the importance of the link between the socio-economic environment and crime, which it was essential to understand clearly.

25. Ms. SEMAFUMU (Uganda) said that the issue of crime prevention and criminal justice was perhaps the best illustration of the intrinsic link between peace and security, economic and social development and human rights. The rise in criminality in many categories was a telling symptom of a disturbing dysfunction in society. The work done by the Commission on Crime Prevention and Criminal Justice at its second session, as described in its report (E/1993/32), therefore represented an encouraging attempt to face the problem.

26. Her delegation commended the Crime Prevention and Criminal Justice Branch for the enthusiasm and dedication with which it was shouldering its new responsibilities in the face of limited human and financial resources, and hoped that the Branch would soon be strengthened in line with General Assembly resolution 47/91 and Economic and Social Council resolution 1993/31.

27. While Uganda supported the Branch's cooperation with United Nations peace-keeping bodies, it believed that such cooperation should be limited. It also hoped that those efforts would not be a first step towards rearranging the priorities of the United Nations crime prevention and criminal justice programme and that it would not lead to the depletion of the already very limited resources of the programme, particularly those allocated for technical assistance.

28. The growing demand for programmes of technical assistance was the best proof of their usefulness. In that context, her delegation pointed out that the capacity of developing countries to build efficient and humane systems of law-enforcement and criminal-justice administration was severely hampered by economic difficulties they faced and by the cuts in public expenditure which they were forced to make as part of their economic reforms. While she therefore welcomed the Commission's attention to advisory services in policy-making, institution building, legal and procedural reform and the further training of law-enforcement and criminal-justice personnel, she maintained nevertheless that greater attention should be given to the difficulties experienced by developing countries through lack of equipment. In that context, the Crime Prevention and Criminal Justice Branch could help in mobilizing the necessary resources for the purchase of equipment and brokering the transfer of simple technologies to facilitate the detection and investigation of crimes.

29. For the first time in history, a United Nations Congress on the Prevention of Crime and the Treatment of Offenders would be held in Africa. Her delegation trusted that the discussions under way between the two countries which had offered to host the Ninth Congress would reach an early conclusion and that preparations for the Congress could begin without delay. Her delegation

(Ms. Semafumu, Uganda)

recalled that the Ugandan Government had offered to host the Regional Preparatory Meeting.

30. Over the previous few years, the world had evinced a tendency towards regional integration, primarily due to economic factors. Africa was no exception. Thus, an African Economic Community was being established, in accordance with the Treaty adopted by the Organization of African Unity (OAU) in 1991. The establishment of that community would inevitably lead to a relaxation of frontier controls, enabling criminals to evade prosecution. Furthermore, as strategies to combat organized crime became more effective in other parts of the world, crime syndicates and drug barons were transferring their activities to countries where they were less likely to be troubled. Without any doubt, the deficiencies in their criminal-justice systems made the countries of Africa easy victims for organized crime.

31. It was precisely with that concern in mind that Uganda continued to attach the greatest importance to regional integration as a means of strengthening the fight against crime. Her delegation had closely studied the report of the Secretary-General on the African Institute for the Prevention of Crime and the Treatment of Offenders (A/48/332) and it concurred with the conclusions contained in paragraphs 36 and 37. It was grateful to the Organization for the financial support provided to the Institute through the regular budget and through the United Nations Development Programme (UNDP), but hoped that the Economic Commission for Africa (ECA), through which the funds were channelled, would ensure that they reached the Institute promptly and would help it mobilize further resources.

32. In addition, her delegation requested the Secretariat to correct an error in paragraph 29 of the Secretary-General's report: the grant had been given to the Institute for the year 1992 and not for the biennium 1992-1993. It also took the opportunity to ask the UNDP Administrator to continue to provide assistance to the Institute, bearing in mind the negative impact of the rise in crime on development.

33. The grant given to the Institute to cover its administrative costs had enabled it to deliver various programmes (data collection, advisory services, organization of training courses and seminars). As the Director-General of the United Nations Office at Vienna (UNOV), Mr. Giacomelli, had said, the financial situation of the Institute remained precarious. Accordingly, at the current session, the Group of African States intended to submit a draft resolution seeking continued financial support for the Institute. Her delegation hoped that the consensus which had made possible the adoption of Economic and Social Council resolution 1993/33 on that issue would continue to prevail and that all delegations would be willing to support the draft.

34. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 110 and invited members to resume consideration of item 109.

AGENDA ITEM 109: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/48/L.6)

35. Mrs. ALVAREZ (Dominican Republic) introduced the draft resolution entitled "Implementation of the International Plan of Action on Ageing" (A/C.3/48/L.6), sponsored by Austria, Malta and her own country. She announced a revision of paragraph 9 of the text, replacing the word "a programme", in the first line, by the words "the conceptual framework of a programme".

36. In the draft, the General Assembly noted recent measures to reorganize the social and economic activities of the United Nations and called upon the Secretary-General to "maintain the integrity and the identity of the United Nations programme on ageing". The General Assembly welcomed the decision to observe 1999 as the International Year of Older Persons; invited Governments, non-governmental organizations and the relevant agencies of the United Nations to submit to the Secretary-General their proposals for the preparations for and observance of the International Year; and asked the Secretary-General to draft the conceptual framework of a programme for the preparation and observance of the Year and to submit it, through the Commission for Social Development at its thirty-fourth session in 1995, for consideration by the General Assembly at its fiftieth session in 1995.

37. The sponsors of the draft resolution hoped that it would be adopted by consensus, as in previous years.

The meeting rose at 11.05 a.m.